Calendar No. 903

98TH CONGRESS
2d Session

SENATE

REPORT
98–468

AIRLINER CABIN AIR QUALITY

MAY 21, 1984.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 197]

The Committee on Commerce, Science, and Transportation to which was referred the bill (S. 197) to direct the Secretary of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill do pass.

PURPOSE OF BILL

S. 197, as reported, directs the Department of Transportation to commission a study by the National Academy of Sciences on the subject of air quality aboard commercial carriers. The bill authorizes $500,000 for the purpose of funding the study.

BACKGROUND AND NEEDS

Certain members of the aviation community believe that current Fedeal Aviation Administration procedures and regulations are not adequate to ensure adequate fresh air in the cabins of commercial airliners. There is also concern that equipment and procedures are not adequate to deal with smoke and toxic fumes from cabin fires. Finally, there is a question as to whether the air quality in aircraft cabins conforms to nonaviation standards for locations that can be expected to accommodate large numbers of people in close proximity to one another. The study required by S. 197 is designed to answer these questions.

The subject of this study is quite serious due to the fact that in an airliner cabin environment, an efficiently operating air-conditioning system is not merely a convenience or a luxury, but rather is an essential "life support system."

31–010 O

S263-20

LEGISLATIVE HISTORY

S. 197 was introduced by Senator Inouye on January 26, 1983. S. 197 is identical to S. 1770, introduced by Senator Inouye in the previous Congress. A hearing was held on S. 1770 on May 20, 1982, and on S. 197 on November 9, 1983.

On May 8, 1984, the committee ordered S. 197 reported with an amendment in the nature of a substitute. The substitute specifies that the National Academy of Sciences shall perform the study and makes other minor changes to the original bill.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 17, 1984.

Hon. BOB PACKWOOD,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 197, a bill to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes. This bill was ordered reported by the Senate Committee on Commerce, Science, and Transportation, May 8, 1984.

The bill authorizes $0.5 million for fiscal year 1985, and we estimate that this will result in outlays of $0.4 million in 1985 and $0.1 million in 1986. Enactment of this bill will result in no cost to State or local governments.

S. 197 requires the Department of Transportation to commission a study by the National Academy of Sciences to investigate industry practices and the sufficiency of current rules related to cabin air quality. The study will include recommendations for legislative, regulatory, and industry changes to improve cabin air quality. The final report is to be completed within 18 months after this bill is enacted.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee provides the following evaluation of the regulatory impact of the legislation:

This bill authorizes a study. It will have no affect on the number of individuals regulated or on the regulatory burden of any individual. It will not affect the personal privacy of any individual nor create any additional paperwork.

SECTION-BY-SECTION ANALYSIS

Section 1.—Air Quality Study

This section directs the Secretary of Transportation to commission a study of airline cabin air quality to be performed by the National Academy of Sciences. The study is to cover, among other things, quantity and quality of fresh air, humidification, air contamination limits, pressurization, emergency breathing equipment, and measures for extinguishing fires and removing smoke and toxic fumes.

The committee understands the term "cabin air quality" to refer to the quality of the on-board environment during normal as well as abnormal or emergency circumstances. Various aspects of these circumstances are laid out in section 1(a)1–9 of the bill and should include the possible contamination resulting from industrial materials used on the aircraft.

The Committee understands the term "nondiscriminatory," as used in section 1(a) of the bill, to refer to the differences in standards in health and safety as applied to passengers and crew. An example of this is the difference between the quality of air in the cabin and the cockpit.

The committee understands the term "de facto circumstances," as used in section 1(a) of the bill, to mean circumstances which are a consequence of geographic or spatial location. These circumstances include but are not limited to:

(a) The low ambient static air pressure at 30,000 or 40,000 feet;

(b) The air at such altitudes being virtually devoid of moisture;

(c) The air pressure at such altitudes being significantly different than the air pressure at sea level.

The committee understands the term "uniqueness of the aviation environment" as used in section 1(b) of the bill to refer to the certain conditions and considerations that are present in aviation that are not present in other nonaviation settings. These conditions include but are not limited to:

(a) Jet liners are required to operate as life support systems in order to facilitate air travel at ordinary flight altitudes;

(b) Escape during in-flight emergencies is virtually impossible; and

(c) The basic energy source for the life support system and the propulsion system is in many cases the same. Therefore, the operation or efficiency of one will affect the other. Enough fuel must be on board an airliner to allow the optimum operation of both of these vital systems throughout the flight.

In section 1(d), the NAS is instructed to consult and solicit the views of academic experts, representatives of airline labor, the aviation industry, and independent experts and organizations. In this regard, the committee recommends that the NAS contact, among others, the people and organizations who testified at the hearings on this bill.

It is requested by the committee that during the course of the 18-month study the NAS provide the committee with periodic reports of the progress of the study program.

Section 2.—Recommendations

This section directs the Secretary of Transportation to submit the report, together with comments and recommendations, to Congress within 18 months after the date of enactment of the bill.

Section 3.—Authorization

This section authorizes $500,000 for the purpose of carrying out the study. It is the committee's intent that this money should not come, directly or indirectly, from the airport and airway trust fund.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the bill, as reported, would make no changes in existing law.

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Calendar No. 904

98TH CONGRESS
2d Session

SENATE

REPORT
98–469

IN-FLIGHT MEDICAL EMERGENCIES ACT

MAY 21, 1984.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 314]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 314) to encourage in-flight emergency care aboard aircraft by requiring the placement of emergency equipment, supplies, and drugs aboard aircraft and by relieving appropriate persons of liability for the provision and use of such emergency equipment, supplies, and drugs, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill do pass.

PURPOSE OF BILL

S. 314, as reported, would direct the Federal Aviation Administration (FAA) to devise a new medical kit to be carried aboard commercial aircraft for the treatment of in-flight medical emergencies. It would also relieve appropriate persons from liability related to the use of the kits.

BACKGROUND AND NEEDS

Current FAA regulations require certain passenger-carrying aircraft to carry a first aid kit (see, e.g., 14 CFR 125.207). Such kits are required to contain bandages, splints, burn ointments, and other first aid type items. The purpose stated in the regulations for such kits is to treat "injuries likely to occur in flight or in a minor accident."

Certain groups and individuals have argued that the current medical kits required in aircraft are inadequate and outdated. They argue further that the kits should contain equipment and supplies to deal with medical emergencies directly caused by inflight accidents as well as those that are not flight-induced.

31–010 O

S263-21

LEGISLATIVE HISTORY

S. 314 was introduced by Senator Goldwater on February 1, 1983. The Committee did not hold hearings on S. 314. However, similar legislation, introduced in the 97th Congress, was the subject of hearings on May 20, 1982.

On May 8, 1984, the Committee ordered S. 314 reported with an amendment in the nature of a substitute, offered by Senator Kassebaum. There was no opposition to reporting S. 314.

SUMMARY OF MAJOR PROVISIONS

As reported, S. 314 would:

1. Direct the FAA to issue final rules requiring aircraft carrying passengers for compensation or hire to "carry sufficient first aid medical supplies and equipment for the rendering of emergency care aboard the aircraft in response to in-flight medical emergencies;" and
2. Relieve licensed medical personnel, the air crew and the airlines from liability arising from the carriage and use of the kits, so long as they did not act recklessly or with gross negligence.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 17, 1984.

Hon. BOB PACKWOOD,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 314, the In-Flight Medical Emergencies Act, as ordered reported by the Senate Committee on Commerce, Science and Transportation, May 8, 1984. We estimate that enactment of this bill would result in no significant cost to the federal government, or to state and local governments.

This bill requires the Federal Aviation Administration to issue regulations requiring airplanes to carry first-aid medical supplies and equipment, and, in the event of an emergency, to make these available to licensed medical personnel and qualified airline employees. The bill further states that any qualified person who, in good faith, renders assistance aboard the aircraft is not liable for any civil damage.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

The bill would change the content of the kit required to be carried aboard commercial aircraft. To the extent that the new kit will be more expensive than that currently required, the existing regulation will become more burdensome as a result of S. 314.

Current FAA regulations require a medical kit aboard a commercial aircraft only if it has more than 19 seats. S. 314, as reported, would extend that requirement to all aircraft carrying passengers for compensation or hire. Thus, S. 314 will increase the regulatory burden of commercial operators of aircraft with fewer than 20 seats.

There should be no effect on the personal privacy of individuals due to enactment of the legislation. No significant new paperwork burdens would be placed on any person if S. 314, as reported, were enacted into law.

SECTION-BY-SECTION ANALYSIS

Section 1.—Short title

The first section provides that this act may be cited as the "In-Flight Medical Emergencies Act."

Section 2.—Definitions

This section contains definitions of terms used in the bill. The only definition requiring any explanation is that of "emergency care." The last clause of that definition reads: "but does not include the operation of an aircraft." The purpose of this clause is related to the relief of liability provided by the bill. It is designed to make sure that the air crew is not relieved of liability for the negligent operation of the aircraft in response to or in connection with an in-flight medical emergency. The relief of liability extends only to the actual rendering of medical care to the ill or injured passenger.

Section 3.—Requirement to carry medical kit

This section requires the FAA to issue a final rule requiring updated medical kits within 180 days of the date of enactment. Every aircraft carrying passengers for compensation or hire shall be required to carry the kits. The section further requires the regulations to make the kits available to the air crew and licensed medical personnel that the Administrator has determined can properly use them.

The Committee recognizes that the above requirements apply to a broad range of aircraft. It is the intent of the Committee that the FAA regulations promulgated pursuant to this bill reflect the differences in aircraft size and crew complement. It is anticipated, for example, that a single-engine, four-seat aircraft used in an air taxi operation will be required to carry a less elaborate kit than a large air transport aircraft. The appropriate dividing lines and kit content is left to the FAA's discretion.

Section 4.—Relief of liability

This section provides that any licensed medical personnel or any air carrier employee who uses the medical kits in good faith shall not be liable for civil damages as a result of such use. This relief of liability does not apply, however, if the actions were done recklessly or with gross negligence.

Section 5.—Further relief of liability

This section:

1. Extends the relief of liability of section 4 to the employees of the owner or operator of the aircraft, the entire air crew of the aircraft and the owner or operator itself; and

2. Relieves the persons in clause 1 above from civil liability arising from the carriage, and provisions to appropriate people, of medical supplies in accordance with FAA regulations.

Section 6.—Jurisdiction

This section provides that the relief of liability accorded by sections 4 and 5 shall apply in actions brought in both Federal and State courts.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee states that the bill as reported would make no change to existing law.

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